Previous references.

File No. 81-06

1906.

Serial Nos. 1- 2

(Internal)

Later references.
(154-08) 17

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1—2

Part B. for September 1906

SUBJECT.

Memorial of Lt-Col J. Smyth M.D, I.M.S.
Senior Surgeon & Sanitary Commissioner

---

1. From Lt-Col J. Smyth, I.M.S, Sen^r Surgn & Sanry. Com
No 1748, 31-8-06
Submits a memorial from himself to the Secy
of State for India re his emoluments

2 To the F. A. Resident. No 2198, 13-9-06
Forwards the above memorial for transmission
through the proper channel

G. R. S. 11] 1906

GENERAL AND REVENUE SECRETARIAT.

(Medical)

NOTES.

File No. 81/1906

FILE HEADING.

Memorial of Lt-Col J. Smyth, M.D., I.M.S
Senior Surgeon & Sanitary Comm^r

The Senior Surgeon

No. 174 Dated 31.8.06 Received 31.8.06

Diary No. 2060 Enclos. one Spare Copies. ~ Serial No.

BRIEF ABSTRACT OF LETTER.

Submits his memorial to the Right Honble the Secy: of State for India appealing agt the orders of the Govt of India in regard to his pay & as Senior Surgeon & requests that it may be forwarded as early as possible through the proper channel

NOTES AND ORDERS.

Submd for orders. Write a draft letter
31/8/06 SB 31/8/06 to the Resident
31/8/06 I do not know if we are expected to make any remarks on the memorial
D. draft No 2
2-9-06

NOTES—First sheet.

2080/11/06 3 We are not expected to make any remarks
31/8/06

MGCPB—30,000—17-2-05.

Submitted to His Highness.

4 I submit for perusal a memorial addressed to the Secretary of State for India, by Lt-Col. J. Smyth, Senior Surgeon and Sanitary Commissioner. The enclosed draft of a letter forwarding it to the Hon'ble the Resident, may be approved.

8/9/1906

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

9.9.Col 2-4

Memorial of Lt-Col.J.Smyth, Senior Surgeon and Sanitary Commissioner, to the Secretary of State for India, regarding his pay &c,

Order.

5.

~~KRW~~

10/9/06

6 Dewan's order

Please issue

K.O

USB

12/9/06

7 Issued

12

G.R.S. 12]

General and Revenue Secretariat.

Misc File No. 81 of 1906-07

Serial No.	
8.	To the First Asst to the Hon'ble the Resident in Nyport Pol. no 2198 / 13.9.06
2.	Forwards the memorial referred to in Sl no 1 and requests that the same may be kindly transmitted through the proper Channel

Note—Contn. sheet

GPB—50,000—23-10-05

Office of Senior Surgeon and Sanitary Commissioner
Mysore Government,

No. G.174
Enc. 1. memorial sent separately
D2060

Dated, Bangalore, 31.8. 1906.

Med 81-06
Sec(1)

FROM

LT.-COL. JOHN SMYTH, M.D., I.M.S.,
Senior Surgeon and Sanitary Commissioner
with the Government of H. H. the Maharaja of Mysore,
BANGALORE.

To

K.S. Chandrasekhara Iyer Esqr., B.A.,B.L.
Secretary to the Government of H.H. the
Maharaja of Mysore, Genl.& Rev.Deptts.
Bangalore.

SIR,

I have the honor to enclose herewith a memorial from myself to the Right Honourable the Secretary of State for India appealing against the orders of the Government of India in regard to my pay etc., as Senior Surgeon and Sanitary Commissioner in Mysore, and request you will forward it through the proper channel as early as may be possible.

I have the honor to be,

Sir,

Your most obedient servant,

John Smyth

M.D.
Lt.Col.I.M.S.
Senior Surgeon and Sanitary Commr.

MEMORIAL

OF

Lieut.-Colonel JOHN SMYTH, M. D.,

OF THE

Madras Medical Establishment,

Indian Medical Service.

(WITH REFERENCES.)

For Orders of the Government of India appealed against, vide :—

Memorial para 15 and References 10 and 14.

PRINTED BY HIGGINBOTHAM & CO., BANGALORE.—1906.

To

The Right Hon'ble JOHN MORLEY,

His Majesty's Secretary of State for India.

The Memorial of Lieut.-Col. JOHN SMYTH, M. D. of the Madras Medical Establishment, Indian Medical Service.

MOST RESPECTFULLY SHOWETH,

1. That in the latter part of 1896 your Memorialist was offered service under the Government of the Native State of Mysore by the then Dewan of Mysore through Lieut.-Col. P. H. Benson, I.M.S., who was then Senior Surgeon and Sanitary Commissioner Government of Mysore.

2. That on your Memorialist asking the Senior Surgeon what his prospects would be if he joined the Mysore Service, the Senior Surgeon informed your Memorialist that he would eventually succeed him as Senior Surgeon and Sanitary Commissioner in Mysore, and that the Senior Surgeon's emoluments were, salary Rs. 1,700 shortly to be increased by Rs. 150 with house rent of Rs. 110 and exchange compensation allowance.

3. That the above information was conveyed to your Memorialist demi-officially, but that your Memorialist early in 1897 visited the Dewan of Mysore, Sir Seshadri Iyer, and had the information confirmed verbally in Sir Seshadri Iyer's house in Lieut.-Colonel Benson's presence. Sir Seshadri said "If we get on together you will succeed Colonel Benson as Senior Surgeon and Sanitary Commissioner, but it is usual to apply to the Government of India for the services of an officer for 5 years at a time; I will make the Durbar's intentions clear to the British Resident": which he did (Ref. 2).

4. That your Memorialist explained clearly to Sir Seshadri Iyer, there and then, that unless he could be satisfied on this point, that is, of the permanence of the service, he could not leave British service, where his prospects were excellent. For, at this time, your Memorialist was Presidency Surgeon, 2nd District, Madras City, with charge of the Women and Children's Department in the General Hospital Madras, and had opportunities for a large private practice.

5. That your Memorialist returned to Madras, and further negotiations relating to the duration of his service in Mysore, should he elect to serve that Government, continued between himself and the Senior Surgeon, Col. Benson (now Officiating Surgeon General with the Government of Madras).

6. That on 9th March 1897 your Memorialist received a letter from Colonel Benson in which he informed your Memorialist that the Resident had said to him "tell Smyth he may safely come to Mysore on these terms" and on 28th March, Colonel Benson wrote, "there is no doubt about your being retained after 5 years. It is a mere matter of routine. Colonel McGann (that is Colonel Benson's predecessor) and self were always treated that way, and my time (3rd extension of 5 years), is up in August and I merely ask for another extension of 5 years."

7. Your Memorialist hopes that he has thus made it quite clear that the Government of Mysore agreed that if he accepted service in Mysore he would have his service periodically extended as had been the case with all his predecessors till he should finally succeed Col. Benson as Senior Surgeon and Sanitary Commissioner, whose salary and allowances have been set forth in para 2 hereof.

8. That your Memorialist accordingly accepted service under the Government of Mysore; but, for the first 6 months thereof he retained a lien on his appointment in Madras, so that if, during that time, either the service proved not to his taste or it turned out that there was any doubt about the conditions as stated above, he could revert to his appointment at once.

During this time, moreover, your Memorialist had the fullest opportunity of ascertaining the character of the man he was dealing with, *viz.* Sir Seshadri Iyer, Dewan to the Maharani Regent of Mysore. Your Memorialist had never even heard of this gentleman before this time, but he was now told by Colonel (now Sir Donald) Robertson, then Resident in Mysore that Sir Seshadri Iyer was not only one of the finest natives, but one of the very finest men of any race he had ever met (Ref. 3). On this assurance your Memorialist believed he was dealing with a man who knew what he was talking about, and what he had a reasonable right to promise your Memorialist with a view to inducing him to leave his excellent appointment in Madras and take up service

under the Maharani Regent of Mysore. From that date till the end of 1905 neither your Memorialist, nor Sir Donald Robertson, nor Colonel Benson, nor any other official who had any knowledge of the matter, had any doubt whatever but that your Memorialist would eventually succeed Colonel Benson as Senior Surgeon in Mysore, on the emoluments the Senior Surgeon was then receiving.

9. On the above clear agreement your Memorialist entered the service of Mysore on 3rd April, 1897 as Medical Officer in charge of the young Maharaja, and with charge of the Palace as well. He was locally designated Durbar Surgeon, but the Government of India always designated him "Surgeon in charge of the Maharaja and Palace of Mysore." His emoluments for this appointment were fixed at Rs. 1,150 consolidated, including pay of rank, Rs. 850, + Rs. 300, the latter being the equivalent of the allowances he was actually drawing in Madras. He was also allowed a free house in Mysore.

In 1899 the Government of India also permitted him to accept Rs. 120 a month as house rent with respect to residence in Bangalore throughout the year, or such less amount as might be expended in the rent of a house in that station.

10. In 1900 your Memorialist, during the absence of the permanent incumbent on furlough officiated as Senior Surgeon and Sanitary Commissioner and drew an acting allowance of Rs. 350, equivalent to the moiety of the difference between his own pay and that of the Senior Surgeon.

In November 1900 your Memorialist, was, with the approval of the Government of India appointed to the charge of the Victoria Hospital Bangalore, continuing to draw pay of Rs. 1,150, plus Rs. 120 house rent.

In 1901 he again acted as Senior Surgeon and Sanitary Commissioner on the same terms as before. In that year your Memorialist attained the rank of Lieut.-Colonel, and with the sanction of the Government of India his pay was raised to Rs. 1350, with house rent not exceeding Rs. 120.

In 1903 Lieut.-Colonel Benson, the Senior Surgeon, was selected to officiate for 8 months as Inspector General of Hospitals in Burmah. Your Memorialist again officiated for him and

was allowed, with the sanction of the Government of India, Notification of Government of India, Foreign Department No. 1362 G. dated 28th August 1903, to draw an acting allowance of Rs. 370, or 20% of the pay of the appointment. Including house rent, his emoluments thus amounted to Rs. 1,840, per mensem.

11. Towards the end of 1903 as the usual sanction for 5 years' extension of your Memorialist's service under the Government of Mysore had to be obtained from the Government of India, the Government of Mysore applied for such extension and it was granted for a further period of 5 years, dating from March 1904. Sanction to the extension was stated by the Government of India to be subject to a consideration of Lieut.-Colonel Smyth's emoluments should this become necessary in consequence of any change in the remuneration of officers of the Indian Medical Service which might be introduced (Ref. 4).

The anticipated changes did take place, greatly improving the pay of practically all the officers in the service.

It was anticipated that the revision might reduce the pay in some appointments but it was distinctly laid down that such reduction should not take effect during the tenure of officers actualiy holding the appointments affected, but only in the case of their successors. (Ref. 5).

Your Memorialist held the appointment of Senior Surgeon &c., for 1 year and 1 week before the revision took place and the pay of the appointment was therefore protected from reduction during his tenure of it (*Vide* para 15 clause 2).

12. In March, 1904 your Memorialist who had continued to be Surgeon in charge of the Victoria Hospital, was sent by H. H. the Maharaja of Mysore to Ajmere to take charge of the Yuvaraj (His Highness' only brother) who was laid up at school there with Typhoid fever. While he was there, Lieut.-Colonel Benson, the Senior Surgeon was placed under orders to revert to British service and had to leave Bangalore before your Memorialist could get back to relieve him.

However on the afternoon of the 9th April your Memorialist returned to Bangalore leaving the Yuvaraj convalescent at Ajmere and *took charge at once of the office of Senior Surgeon and Sanitary Commissioner Mysore.*

From 9th April 1904 Lieut.-Colonel Benson permanently reverted to British service and drew thereafter neither pay nor allowances from the Government of Mysore. The Senior Surgency was accordingly vacated permanently from that date by Col. Benson, and the full pay and allowances of the appointment became available for his successor.

In this month also the Resident informed the Dewan that Col. Benson's transfer to British Service was permanent and that permanent arrangements should accordingly be made (Ref. 15).

On 16th June 1904 the Durbar requested the Resident to ask for the sanction of the Government of India to appoint your Memorialist to be Senior Surgeon and Sanitary Commissioner on the same terms as his predecessor *viz.* pay, a consolidated pay of Rs. 1,850 (made up of Rs. 1,050 British pay, plus 800 allowance) and house rent Rs. 110, making certain proposals regarding the future working of the Victoria Hospital, the charge of which was your Memorialist's definite work at this time.

The officiating Resident refused (Ref. 6) to send on the proposal of the Durbar as it was not in accordance with his own view as to what the Government of Mysore really required. The officiating Resident at this time was Mr. Tucker I. C. S. who held the appointment only for a few months.

The discussion between the officiating Resident and the Durbar continued, and your Memorialist was not a little disconcerted at not hearing anything about his being gazetted. The former Resident, Sir Donald Robertson, on previous occasions when your Memorialist had taken over the office of Senior Surgeon had always obtained the sanction of the Government of India in a very short time. Having waited five months, and hearing nothing, your Memorialist addressed the officiating Resident and received his reply dated 20th September 1904 as follows: "I myself have stopped the orders about gazetting you as Senior Surgeon and Sanitary Commissioner *vice* Col. Benson in consequence of the Durbar's proposal to double up the first post with the charge of the Victoria Hospital." It may be stated in passing that the Durbar merely desired that your Memorialist should be in general charge of and keep an eye on, the working of the hospital, which is perhaps the best in India for its capacity (140 beds), and which your Memorialist had started

and organised and over which he also was most keenly desirous of maintaining supervision for sometime, as the experiment was to be tried of placing a Native Surgeon in charge, an officer whom your Memorialist had been specially enjoined by the late Sir Seshadri Iyer to train to succeed him in the charge of the institution. Your Memorialist was also trying that year to leave a record of operation work which might serve as an index to his successor of what would be expected from him. During that year the capital operations alone amounted to over 600 in number.

13. January 1905. Nine months having now elapsed since the Senior Surgeoncy &c., became vacant and during which time your Memorialist was in charge, but receiving no pay in consideration thereof, and during which time also your Memorialist's private practice was ruined as his time was wholly occupied with his new duties, he considered it necessary once more to address the Resident (now Sir James Bourdillon) as to the cause of the delay in gazetting him to his appointment. The Durbar had asked the Government of India for a second European Medical Officer and there had been a prolonged discussion as to the qualifications this officer should possess and what he should do when appointed. Sir James Bourdillon replied that he expected orders shortly from the Government of India and as soon as they were received "we shall ask the Government of India .....to confirm you *from the date the appointment fell permanently vacant*," which date was 9th April 1904.

Your Memorialist had not been gazetted and had to work all these nine months as Senior Surgeon and Sanitary Commissioner without any pay therefor, simply because there was a discussion going on as to the appointment of a second European Medical Officer!

Sir James Bourdillon added "The orders will have retrospective effect."

14. 10th May 1905. Your Memorialist had now held the appointment of Senior Surgeon and Sanitary Commissioner, the gazetting thereof having been delayed in the manner set forth above—for just over 13 months, and though he was greatly perturbed and put to much pecuniary loss by the delay in gazetting his appointment, still he had no sort of anticipation, nor had Sir James Bourdillon, but that

he would be ultimately gazetted on at least the same terms as those on which his appointment had been held by his predecessor. He did think that perhaps the increase of pay which had been granted practically all round to officers of the I. M. S. might be withheld from him, for he had stipulated when he entered the service of the Mysore Government to serve for the same emoluments as were drawn by his predecessor. As, however, the Residency Surgeon of Hyderabad, whose duties are by no means more arduous than those of the Senior Surgeon in Mysore, but who nevertheless drew already far higher emoluments, had been granted the full benefit of the improvements that were being effected in the pay of Indian Medical Service Officers, your Memorialist considered that it was quite reasonable that he also should reap the same benefits.

15. 11th May 1905. It may be conceived therefore what a shock it was to your Memorialist to be informed on this date, (13 months after he had taken over the appointment), by the Private Secretary to Sir P. N. Krishna Murti, Dewan of Mysore, that "the Government of India propose to give you as Senior Surgeon and Sanitary Commissioner *from the date of re-arrangement of grades* grade pay *viz.*—Rs. 1350-50-1450 plus an allowance of Rs. 500."

Now the date of re-arrangement of grade pay was 17th April 1905 (Ref. 5) and your Memorialist had been in charge of the Senior Surgeoncy from 9th April 1904, on which date it became permanently vacant by the recall of Col. Benson to British service.

The loss these Orders would inflict on him may be stated as follows:—

It is presumed that up to date of re-arrangement of grades, that is, to 17th April 1905 your Memorialist was to be permitted to draw salary similar to that of his predecessor, *viz*, consolidated pay of Rs. 1850 plus Rs. 110 house rent, but from 17th April onwards he must draw salary according to these Orders. Now according to them from 17th April 1905 to 17th April 1906 your Memorialist would draw Rs. 1,850 instead of Rs. 1,960 as drawn by his predecessor, and would therefore lose that year *Rs. 1320.*

From 17th April 1906 to 17th April 1907 he would draw Rs. 1900, instead of Rs. 1960, that is, a loss for the year of *Rs. 720.*

From 17th April 1907 to 17th April 1908 he would draw Rs. 1,950, that is, a loss of *Rs. 120* for the year, and loss at this rate would continue for all subsequent years.

The total loss, then, *up to 17th April 1908* would be Rs. 1,320 + Rs. 720 + Rs. 120 = *Rs. 2,160*, while thereafter, there would be an *annual loss of Rs. 120.*

Your Memorialist at once placed the whole facts before Sir James Bourdillon, and as a result replied that he could not accept the proposal, without further discussion. Your Memorialist further addressed a letter of protest to the Dewan on 15th May 1905. On the 20th May 1905, the Dewan placed your Memorialist's case before Sir James Bourdillon at some length (Ref. 7). On 22nd May 1905, Sir James Bourdillon wrote to your Memorialist "you ought to receive the same pay as Colonel Benson did but as to the extra Rs. 300 (improvement in grade pay recently effected practically throughout the service) I do not think you have a strong claim to it". (Ref. 8). Such was Sir James Bourdilion's opinion, but your Memorialist cannot see why the increase should be given to the Residency Surgeon, Hyderabad, and be denied to him. Sir James Bourdillon added "moreover the Durbar only put it (that is the proposal that your Memorialist should have the new grade pay) forward in a hesitating manner". On your Memorialist representing this to the Durbar, the Dewan, on 10th June 1905, wrote to the Resident, Mr. Williams, (Sir James Bourdillon left Mysore for home a few days previously) declaring it to be the deliberate opinion of the Durbar that the full allowances given to Colonel Benson should be given to your Memorialist, together with the enhanced rate of grade pay (Ref. 9).

16. 11th September 1905. That your Memorialist on this date, that is, *seventeen months* after he had taken over and been in charge of the appointment of Senior Surgeon and Sanitary Commissioner, received copy of letter No. 4873 dated 30th August 1905, (Ref. 10) from the First Assistant Resident in Mysore to the Dewan of Mysore, conveying the orders of the Government of India on the letter of Sir James Bourdillon referred to in para 15 above. These Orders modified considerably those originally issued (*vide* para 15 above) inflicting on him still heavier loss. Under them your Memorialist (*vide* para 19) would lose;

Up to 1st October 06	Rs. 4520
From 1st October 06 to 1st October 1907	,, 1320
From 1st October 07 to 17th April 1908	,, 696
Total loss up to 17th April 1908	,, 6,536

and an *annual* loss thereafter of Rupees 1,320; whereas the former Order would have inflicted on him a loss of only Rs. 2,160 up to the 17th April 1908, and thereafter an *annual* loss of only Rs. 120. Why the Government of India thought it necessary thus to enhance your Memorialist's disabilities has not been revealed, and that notwithstanding the strong representations made by the Resident and by the Durbar.

In passing, it has to be noted, that your Memorialist by these Orders is supposed to have been only officiating as Senior Surgeon and Sanitary Commissioner from the time he took charge in April 1904 till 8th November 1904. Whereas the appointment was an actual vacancy from 9th April 1904 (*vide* para 12 clause 4 above) after which date your Memorialist's predecessor drew neither pay nor allowance from the Government of Mysore.

Then as to the pay offered in the Order should he *elect to be Senior Surgeon and Sanitary Commissioner after having held the appointment already for* 17 *months*, it was now for the first time stated that the pay is to be that of an Agency Surgeon of the first class (Ref. 5) with Rs. 500 allowance, and that if he elects to accept this, his emoluments will compare favourably with those drawn by Medical Officers holding Administrative appointments under the Foreign Department of the Government of India (para 4 of the Order). Now in regard to this statement your Memorialist respectfully submits that it must have been made without a complete knowledge of the duties the Senior Surgeon and Sanitary Commissioner in Mysore is called upon to perform. So far as your Memorialist has been able to discover after the most careful enquiry, there is no appointment under the Foreign Department of the Government of India whose duties at all resemble those of the Senior Surgeon in Mysore. To begin with, an officer's duties, under the British Government, are defined. In the Native State of Mysore they are not

defined. It is impossible for the Senior Surgeon of Mysore to be an Administrative Officer in the sense in which that term is used in British India. To demonstrate the want of definition to which your Memorialist alludes it may here be stated in some detail the variety of duties he is called upon to perform. He has practically to turn his hand to every thing and help the Government in every way he can. He is their general expert in medical matters. There is no division of labour as in British Service. Some years ago he was Administrative Medical Officer in the State with charge of the Hospital, such as it was, of the Lunatic Asylum, of the Leper Asylum, of the Government Medical Stores, and consultant in all cases of sickness in the Palace, as well as Medical Officer in charge of all European Officers and high Native Officers of State.

Then, about ten years ago, he had to assume, in addition, charge of the office of Inspector General of Prisons, as the Chief Judge who previously had been Inspector General found it impossible to continue in charge. About the same time the duties of Medical referee in the State Life Assurance operations were imposed on him—involving the scrutiny of about 1600 Life Assurance papers a year.

Again, since the plague epidemic started he has become the advisor to Government, with a separate office, on all plague matters.

To give an idea of what Palace Consultant means, your Memorialist desires to state that since he took charge of the Victoria Hospital and thereafter was only consultant to the Palace, in addition to numberless calls to Mysore City, Bellary, Ajmere and elsewhere, to consult in cases of illness amongst the ruling family of Mysore, he has had to perform, either on members of the family or on the members of the families of the Maharaja's staff, operations of the following nature *viz.* Strangulated hernia, Ovariotomy, Extirpation of masses of tubercular adenomata from the triangles of the neck, confinements, numerous operations on the throat &c., for not one of which did he ever receive an honorarium in any form. And although he is no longer in direct charge of the Victoria Hospital, still, he continues to be consultant there, which takes up many a morning when he might be otherwise engaged. And while he has to do all this he has to direct the administration, as has been hinted at above, of

the whole Medical, Sanitary and Jail Departments of the State, the office work of the Medical and Sanitary Departments alone amounting to about the same as that of the Surgeon General with the Government of Madras (Ref. 11.)

There is therefore no sort of resemblance between the duties of the Senior Surgeon and Sanitary Commissioner of Mysore and those of an Administrative officer under the Government of India in the Foreign Department and it is correspondingly hardly right to fix his pay, taking that of such officers as a basis of calculation. The pay of the former therefore should, your Memorialist respectfully submits, be calculated on the merits of the duties he has to perform without reference to other Administrative officers under the Government of India in the Foreign Department.

17. Your Memorialist replied to the Order under consideration on 27th September 1905 to the Secretary to the Government of Mysore (Ref. 12). In this letter, under stress of circumstances, your Memorialist accepted the conditions set forth, conditionally on the Government of India reconsidering the case after it had been placed before them in further and clearer detail. In para 1 of that letter the loss which the Order of the Government of India would inflict on your Memorialist, were he to accept their proposals, is set forth.

18. Your Memorialist having been informed that it was the item house rent that was chiefly objected to by the Government of India, under the impression that it constituted an unauthorised "easement," has, in para 5 of this letter, (Ref. 12) clearly shown that the house rent was no 'easement,' but an allowance clearly sanctioned to the Senior Surgeon by the Government of India.

19. On receipt of your Memorialist's letter referred to in para 17 hereof, (Ref. 12) the Durbar wrote letter No. 463 dated 8th December 1905 to the Government of India (Ref. 13) setting forth the circumstances of the case in considerable detail, and praying that your Memorialist may be allowed to draw the full emoluments of his predecessor, and that if the item house rent be considered objectionable, the amount may be added to his salary under whatever head it may be considered appropriate.

The offer of the Government of India and the terms on which your Memorialist accepted service in Mysore may be contrasted thus:—

Government of India proposal.

From 9th April 1904 to 8th November 1904 during which time the Government of India assume that your Memorialist was merely officiating.

Pay as Surgeon in charge Victoria Hospital.	Rs.	1350
Officiating allowance as Senior Surgeon and Sany. Commissioner.	Rs.	370
House rent	,,	120
Total	Rs.	1840

From 8th November 1904 till 1st October 1906 when your Memorialist shall have attained 25 years service.

Grade pay below 25 years. service ..	Rs.	1300
Allowance	,,	500
Total	Rs.	1800

That is, he would draw less salary immediately he became confirmed than he had been drawing while only officiating.

Conditions under which he accepted service in Mysore.

As the appointment was permanently vacant from 9th April 1904 onwards he should draw :—

Full consolidated pay of his predecessor...	Rs.	1850
House rent	,,	110
Total	Rs.	1960

Up to 8th November 1904, therefore, he would lose Rs. 1,960-1,840 or Rs. 120 per mensem, roughly Rs. 840 in all.

After 8th November 1904, till 1st October 1906 when he would have attained 25 years service he would lose difference between Rs. 1,960 and 1,800 or Rs. 160 per mensem, roughly Rs. 3,680 for this period.

Total loss *up to 1st October* 1906, would be Rs. 3,680 and 840 or Rs. 4,520.

After 1st October 1906 when your Memorialist attains 25 years' service the conditions would be.—

Government of India proposal.-

Grade pay	Rs.	1350
Allowance	,,	500
Total	Rs.	1850

Pay &c., under which he agreed to serve in Mysore as Senior Surgeon ...	Rs.	1850
House-rent	,,	110
Total	Rs.	1960

That is, he would be a loser of Rs. 1,960—Rs. 1,850 or Rs. 110 per mensem from 1st October 1906 onward.

Total loss therefore would be.—

Loss up to 1st October 1906, Rs. 4,520.

Loss after 1st October 1906, Rs. 110 per mensem.

20. The last letter from the Durbar to the Government of India to which your Memorialist has referred above (para 19, and Reference 13) having been considered by the Government of India, that Government replied as set forth in letter No. 3467 dated 15th June 1906, from the First Assistant Resident in Mysore to the Dewan of Mysore (Ref. No. 14) In para 2 of this letter it is stated that your Memorialist having accepted the post in question he shall be formally gazetted. With regard to this, your Memorialist would say that what he actually said was (Ref. 12) that he accepted the conditions in the belief that when the case had been fully placed before the Government of India they would reconsider their Order and allow him to draw at least the emoluments drawn by his predecessor. Your Memorialist did not press for the improved grade pay as well, as it did not form part of the pay drawn by his predecessor when he, your Memorialist, accepted service in Mysore, though he considered he had as good a right to it as other officers in the Foreign Department, for example as the Residency Surgeon at Hyderabad. In para 3 of their Order the Government of India decline to modify the orders conveyed in the letter of the First Assistant Resident No. 4873 dated 30th August 1905.

21. Your Memorialist submits that he has served the Government of Her Highness the Maharani Regent of Mysore and later that of His Highness the Maharaja without regard to health or convenience all these years, and that having entered the service of Mysore under the perfectly clear understanding that he should ultimately be Senior Surgeon on the then Senior Surgeon's emoluments, and that, finally, having actually held the appointment, it having been permanently vacated by his predecessor for 17 months, in the sure and certain hope that, great though the delay had been he would finally be gazetted and with retrospective effect, to the appointment with his predecessor's emoluments at the least, to be asked if he will *elect* to accept the appointment on conditions involving the enormous loss set forth in para 19 hereof, is to him a procedure to which he cannot persuade himself he deserved to be subjected.

22. As the final orders of the Government of India do not remove his grievance your Memorialist prays that you will be pleased to intervene and direct that he be allowed to draw at least the emoluments of his predecessor from the 9th of April 1904.

Your Memorialist does not press for the improved grade pay, though he is at a loss to know how it can have been granted to the Residency Surgeon at Hyderabad and denied to him.

And your Memorialist will as in duty bound ever pray.

BANGALORE,
August 1906.

REFERENCES.

RECORD OF SERVICE

OF

LIEUT.-COLONEL JOHN SMYTH, M. D., I. M. S.

Joined the Service 1st October, 1881.

Arrived 13th April, 1882.

Born 27th September, 1857.

Station.	Substantive Appointment.	Date.	Officiating Appointment.	Date.
Netley ...	Surgeon, on probation	1 Oct. 1881		
Madras ...	Doing duty, General Hospital	13 April 1882		
	On voyage to Rangoon with troops, 11th July 1882.			
	On voyage to Madras with troops, 19th July 1882.			
Madras ...	Regimental duty, Madras	28 July 1882		
	To Suez with troops, 26th August to 20th September 1882.			
	On Return voyage to Bangalore with troops, 21st September 1882.			
	Doing duty from Bombay to Secunderabad by rail with troops from 6th to 9th October 1882.			
	On March with troops from Secunderabad to Madras 17th to 19th October 1882.			
Madras ...	Regimental duty, Madras	20 Oct. 1882		
Do. ...	.....	...	Resdt. Surgn., Genl. Hospl. & Profr. of Pathology., Medical College	1 April 1883
Do. ...	Regimental duty	14 April 1883		
Calicut ...	.....	...	Civil Surgeon and Supt., Dist. Jail.	8 Sept. 1883
Madras ...	Doing duty under D. Surgeon-General H. M.'s En. Division, Station Hospital, Madras.	18 Oct. 1883		
Do. ...	.. ...	...	Fort Surgeon, Fort St. George with Port and Marine duties and Medical Inspector of Seamen at Madras and Professor of Anatomy Medical College.	10 Feb. 1884
Do. ...	Doing duty 22nd Regt. M. N. I., En. District, Madras.	1 April 1884		
Do. ...	.....	...	Resdt. Surgn., Genl. Hospl. & Profr. of Pathology, Medical College.	9 April 1884
	Also in charge of the 22nd Regiment, M. N. I. 28th December 1884.			
	Also doing duty in the En. Dist. 7th to 11th October and 29th December 1884 *to 23rd February* 1885.			
	On Field Service to Egypt, in Medical charge of F. Company, Queen's Own Sappers and Miners, from 24th February to 2nd December 1885.			
Madras ...	Genl. duty, En. Dist., Madras	3 Dec. 1885		

Station.	Substantive Appointment.	Date.	Officiating Appointment.	Date.
Madras ...	.....	...	Asst. Phyn., General Hospital.	11 Dec., 1885
Do. ...	.....	...	Do and Professor of Hygiene, Medical College.	19 Dec., 1885
Vizagapatam ...	.....	...	Civil Surgn. and Supt. of District Jail with charge of Lunatic Asylum.	6 June 1886
Madras ...	.....	...	Asst. Phyn. General Hospl. & Prefr. of Hygiene. Medical College.	2 Sept. 1887
Do. ...	.....	...	And Professor of Pathology & Resident Surgeon, Genl. Hospl.	15 Nov. 1887
Do. ...	Resident Surgeon, Genl. Hospital and Profr. of Pathology, Madras.	24 Dec., 1887		

Special leave for 5 *months and* 15 *days from* 7*th April* 1889.

Madras ...	Resident Surgeon, Genl. Hospital and Profr. of Pathology, Medical College, Madras.	25 Sept. 1889		

Acted as Assistant Physician, General Hospital and Hygiene of Pathology, Medical College, Madras, without Prejudice to his duties as a temporary Measure, 14*th June* 1890.

Also Acted as Assistant, Phyn., General Hospital and Profr. of Hygiene, Medical College, from 14*th June to* 31*st August* 1890.

Also acted as Surgeon 2*nd District, Madras, from* 1*st September* 1890 *to* 6*th April* 1891.

Madras ...	Resident Surgeon, Genl. Hospital and Profr. of Pathology, Medical College, Madras.	..	Surgeon, 2nd Dist. ...	7 April 1891
Do. ...	Resdt. Surgn., Genl. Hospl., Madras ...	3 Sept. 1891		
Do. ...	Do. ...	...	Supt., Govt. Lying-in Hospl. & Profr. of Midfy. Medical College.	21 July 1892
Do ...	Do. ...	22 Sept. 1892		

Also acting as Senior Surgeon, General Hospital, and Profr. of Surgy. and Clinical Surgy. from 12*th to* 23*rd April* 1893.

Furlough for 1 *year,* 9 *months and* 24 *days from* 7*th May* 1893.

Sub leave for 3 *days from* 3*rd March* 1895.

Surgeon Major, 1*st October* 1893.

Madras ...	Resdt. Surgn, Genl. Hosptl., Madras ...	8 Mar. 1895		
Do. ...	Do. ...	...	Fort Surgeon with Port and Marine duties and Profr. of Anatomy, Medl. College.	5 June 1885
Do. ...	Do. ...	...	Surgn., Genl. Hospl. & Prefr. of Surgy. & Clinical Surgy.	15 Aug. 1895
Do. ...	Do. ...	..	Surgeon, 1st Dist. ...	15 Sept. 1895

Station.	Substantive Appointment.	Date.	Officiating Appointment.	Date.
Madras ...	Resdt. Surgn., Genl. Hospt., Madras ...	...	Surgn., Genl Hospl. & Profr. of Surgy. & Clinical Surgy., Medical College.	4 April 1896
Do. ...	Do. ...	...	Surgeon, 2nd Dist., (*sub pro tem*).	10 Nov. 1896

Services placed at the disposal of G I. Foreign Dept. for employment as Medical Officer in charge of His Highness the Maharaja and the palace, Mysore, from 3rd April 1899.

Mysore ...	Durbar Surgeon	6 April 1897		

Privilege leave from 19th January to 17th February 1899.

Mysore ...	Durbar Surgeon	18 Feb. 1889	Senior Surgeon & S. C. with the Govt of Mysore and Inspector General of Prisons.	27 June 1901
Bangalore ...	Do. ...	...		
Mysore ...	Do. ...	17 Sept. 1900		
Bangalore ...	Surgn. in charge of Victoria Hospital ...	28 Nov. 1900	Senior Surgeon & S. C. with the Govt. of Mysore and Inspector General of Prisons.	2 April 1901
Do. ...	Do. ...	...		
Do. ...	Do. ...	17 Dec. 1901		
Do. ...	Do. ...	1 Oct. 1901		

Privilege leave for 3 months from 1st May 1902.
Overstayed privilege leave from 1st to 3rd August 1902.

Bangalore ..	Surgeon in charge of Victoria Hospital ...	4 Aug. 1902	Senior Surgeon and Sanitary Comr., Govt. of Mysore, & Inspector Genl. of Prisons.	28 May 1903
Do. ...	Do. ...	...		
Do. ...	Do. ..	28 Jan. 1904		
Bangalore ...	Senior Surgeon, and Sanitary Comr. and Inspector General of Prisons, Mysore Government.	9 April 1904		

Vernacular examinations passed—

The Colloquial Test in Hindustani and Telugu.

The Higher Standard Test in Tamil.

Special Services—

Secretary to the Reorganization Committee for the Medical College, Madras.

Secretary to the Committee appointed to enquire into the Economics of the General Hospital, Madras.

Deputed by the Government of Madras to represent the Madras Medical Department at the International Medical Congress, Rome.

War Services—

Soudan, 1885—Suakin, Present at the battles of Haskeem, and Tofrik, Seige and burning of Tamai, wounded.—Medal and two clasps, also Khedive's bronze star.

Reference No. 2.

Extract from a letter from the Dewan of Mysore to Colonel Robertson, C. S. I., Resident in Mysore dated 11th February 1897.

---

* * * *

I have since seen Doctor Smyth. He impressed me most favourably. He is giving up his very good prospects in Madras, and he naturally feels a little nervous that his loan to Mysore is only for 5 years. I *assured* him that the Durbar would very gladly make the terms of his loan 7 or 10 years instead of 5, should the British Government agree. Practically the Durbar will ask to get the term of his loan extended from time to time as it expires, till in due course he gets his promotion to a Colonelcy and has to leave our service as Doctor McGann had to do.

"True Copy."

Reference No. 3.

It may be asked why I refer so pointedly to the character of the great Dewan. I do so because it may be asked why I did not have his promises confirmed by the Government of India. If he had been an ordinary man this procedure might have suggested itself to me, but being a man whose word was regarded as his bond, it did not for a moment occur to me to do so. It was impossible to think that Sir Seshadri Iyer was one who could be so foolish as not to know whether he was justified or not in holding out to me the inducements he did hold out in order to secure my service for Mysore, or that he would for the same object descend to the artifice of holding out inducements he knew he had no right to offer.

Reference No. 4.

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ :—

Letter No. 120 dated the 9th January 1904, from the First Assistant to the Resident in Mysore, stating, with reference to a communication made from this office, that the Government of India have sanctioned the retention by the Durbar of the services of Lieut.-Colonel J. Smyth M D., I. M. S., for a further period of 5 years, *i.e* till March 1909, on his British pay for the time being with allowances amounting to Rs. 300 a month and a house rent not exceeding Rs. 120 a month, subject to a reconsideration of the Officer's emoluments, should it become necessary in consequence of any changes in the remuneration of officers of the Indian Medical Service, which may be introduced during the continuance of the extension now sanctioned.

Reference No. 5.

Extracts from the Resolution of the Government of India Home Department—Simla, Dated 17th April 1905.

"Pay of 1st Class Agency Surgeon shall be for a

Lieut.-Colonel under 25 years' service Rs. 1300

Over 25 years' service Rs. 1350

Selected ~~25 years service~~ Rs. 1450."

"In any case where the changes now sanctioned may result in reducing the emoluments of an appointment they will not be introduced until it has been vacated by the present incumbent."

* * * *

As I had been, on the date of the above order, one year and seven days in charge of the Senior Surgeoncy the pay of the appointment should not thus be reduced till I cease to be Senior Surgeon and Sanitary Commissioner with the Government of His Highness the Maharaja of Mysore.

Reference No. 6.

Extract from a letter of 20th September 1904 from the Officiating Resident to me.

---

* * * *

3. I myself have stopped the orders about gazetting you as Senior Surgeon and Sanitary Commissioner vice Colonel Benson, in consequence of the Durbar's proposal to double up the first post with the charge of the Victoria Hospital. The Dewan has a full letter stating my views.

* * * *

Reference No. 7.

BANGALORE,
20th May 1905.

MY DEAR SIR JAMES,

I beg to return herewith the draft letter to the Government of India enclosed in your D. O. of the 9th instant regarding the appointment of Col. Smyth as Senior Surgeon in Mysore. To the question as to whether he is willing to accept the post of Senior Surgeon on the terms proposed in your letter, *viz.*, his grade pay of selected Lieut.-Colonel of Rs. 1,350. 50. 1450 plus a consolidated allowance of Rs. 500 per month, with presumably the exchange compensation and travelling allowances as at present, I beg to reply by sending herewith copy of Col. Smyth's letter of the 15th instant, in which he has fully stated his view of the case. He feels disappointed that any distinction should be made between him and his predecessor in office, who was getting, besides his grade pay an allowance of Rs. 800 with also a house rent of Rs. 110. He says that when he left Madras, he was Surgeon to the most lucrative District in the Presidency and that if he had chosen he would ultimately have been Senior Surgeon to the General Hospital and Professor of Surgery an

5

6

7

8

9

10

appointment which, he considers would have afforded him unrivalled opportunity for a lucrative private practice.

It does not appear to me that Col. Smyth is unreasonable in his representations. In April 1897 (*vide* 1st Assistant's letter No. 148, dated 3rd April 1897), when Dr. Smyth's services were first lent to the Durbar as Palace Surgeon, his grade pay as Major was Rs. 850 and the Government of India added an allowance of Rs. 300 to make up for what he was getting in Madras. He was also allowed to have a free house at Mysore with exchange compensation and travelling allowances in addition. These allowances did not fall far short of five hundred rupees. Colonel Smyth seems to have been given a very plain idea about his future prospects from the very commencement, for I find these words in a D. O. letter addressed to Colonel Robertson by Sir Sheshadri Iyer on the 11th February 1897. "I have since seen Dr. Smyth. He impressed me most favorably. He is giving up his very good prospects in Madras and he naturally feels a little nervous that his loan to Mysore is only for five years. I assured him that the Durbar would very gladly make the terms of his loan 7 or 10 years instead of 5 should the British Government agree. Practically the Durbar will ask to get the term of his loan extended from time to time as it expires, till in due course he gets his promotion to a Colonelcy and has to leave our service as Dr. McGann had to do.

Accordingly when Colonel Smyth's first term of employment for five years terminated in March 1904, another extension for five years was applied for, and it was also sanctioned by the Government of India (*vide* 1st Assistant's letter No. 120 dated 9th January 1904). When this extension was sanctioned Colonel Smyth was Surgeon in charge of the Victoria Hospital at Bangalore and drew the same allowances as before though his grade pay was raised to Rs. 1,050, as he had in the meanwhile become a Lieut.-Colonel. Following these precedents which had almost established a usage, it was proposed when Colonel Smyth was appointed in place of Dr. Benson as Senior Surgeon to give him the same emoluments as the latter was getting, *viz.*, Rs. 1,050 grade pay plus Rs. 800 allowance, plus Rs. 110 house rent—Rs. 1,960. When Colonel Smyth officiated as Senior Surgeon on former occasions, his emoluments were based on the above calculation, and it is not unnatural that he now feels it a grievance that the computation should be on a different basis. As far as the Durbar are concerned, they would be glad if Colonel Smyth is allowed the full benefit of the increased pay of his grade, which accrues to him. Considering the eminent reputation he enjoys and the excellent work he has done in the State, His Highness the Maharaja would feel gratified if he is dealt with generously. I deem it a duty on my part to place these facts before you and fully hope that you will give your support to Colonel Smyth being allowed the full benefit of the amelioration of pay in his own grade and draw in addition the full allowances which were attached to his appointment here as Senior Surgeon to which he has been long encouraged to look forward. The Durbar of course are not prepared to say that the allowance proposed is not sufficiently liberal in itself, but considering that in Colonel Smyth's case special circumstances exist for not reducing the higher allowances heretofore paid, the Government of India may be moved to accord sanction to the Durbar's present proposals and to allow the reduced allowances to take effect in the case of his successor. His Highness' Government are anxious that an officer placed at the head of an important department with wide and responsible duties should have no ground to feel disappointed or badly treated. As stated in the concluding sentence of para 4 of your draft it may be made a condition that Colonel Smyth should devote his whole time to administrative work without being in direct or collateral charge of any medical institution and that he should have no private practice except when required by Government or with

its permission. It is believed that he will be allowed to enjoy the privilege of being called for consultation which privilege is enjoyed by officers of his grade in British India, who are debarred from having private practice. Col. Smyth agrees to this condition.

Besides being Senior Surgeon, Colonel Smyth is also Sanitary Commissioner and Inspector General of Prisons, for which appointments he gets no separate remuneration.

Yours Sincerely,

(Signed) P. N. KRISHNA MURTI.

"True Copy."

Reference No. 8.

Extract from a letter dated 22nd May 1905, from Sir J. A. Bourdillon the Honourable the Resident in Mysore to me.

I have written to the Government of India saying that you ought to receive the same pay that Benson did, but as to the extra 300 I do not think that you have a strong claim to it and the Durbar only put it forward in a hesitating way. 8

If India Government agrees to what I have proposed you will get,

				9
Grade pay	...	...	Rs... 1,350	
Local allowance	...	...	,, 500	
House rent	...	...	,, 110	
Exchange compensation allowance			,, 120	
		TOTAL	Rs... 2,080	10

* * * *

(Signed) J. A. BOURDILLON.

Reference No. 9.

BANGALORE,
19th June 1905.

DEAR MR. WILLIAMS,

Referring to my D. O. letter of the 20th May 1905, regarding the pay to be given to Lieut.-Colonel J. Smyth now acting as Senior Surgeon, I beg to send herewith a copy of letter just received from him and to say that if my letter has been understood to convey a "hesitating" recommendation to allow Colonel Smyth to draw the full allowances of his predecessor, Colonel Benson, in addition to the enhanced grade pay of a selected Lieutenant Colonel, I beg to correct any such impression. I did express my opinion that the allowance of 500 Rupees suggested by the Government of India was not unreasonable or illiberal, but that opinion had reference to Colonel Smyth's successor and not himself. In the case of Colonel Smyth, His Highness' Government are of the deliberate opinion that full allowances together with the enhanced

grade pay should be given and this opinion I communicated to Sir James Bourdillon in my letter above referred to. If there are any passages in it capable of being construed as "half hearted or hesitating" recommendation, I beg to correct the impression and to state that such was not my meaning.

I am sorry for the necessity of writing this note but I am anxious that in the case of Colonel Smyth who has served the State excellently there ought to be no chance of any mistake being made to his prejudice.

With best regards,
I am,
Yours sincerely,

(Signed) P. N. KRISHNA MURTI.

The Hon'ble Mr. A. Williams, I.C.S.

Reference No. 10.

From

R. C. H. MOSS KING, Esq., I. C. S.,
First Assistant to the Hon'ble the Resident in Mysore.

To

THE DEWAN OF MYSORE,
Dated Bangalore the 30th August 1905.

No. 4873.

SIR,

I am directed to invite a reference to the correspondence ending with Mr. Venkata Varada Iyengar's letter Pol. No. 484, dated the 7th December 1904, regarding Medical arrangements in Mysore.

2. The proposals recommended by Sir James Bourdillon to the Government of India were as follows:—

(*a*) That Lieut.-Colonel J. Smyth, I.M.S., should be appointed to officiate as Senior Surgeon and Sanitary Commissioner of Mysore in addition to his own duties as Surgeon in charge of the Victoria Hospital with effect from the date on which he assumed charge of the Senior Surgeoncy up to the 8th November 1904, and that he should draw an acting allowance of Rs. 370 a month for this period, in addition to the salary of his permanent appointment.

(*b*) That Lieut.-Colonel Smyth should be confirmed as Senior Surgeon and Sanitary Commissioner of Mysore with effect from the 8th November 1904, and that from that date up to the date of his promotion to the rank of selected Lieutenant Colonel under the new Scheme, his pay and allowances should aggregate Rs. 1,960, a month while after his promotion he should receive his grade pay plus a local allowance of Rs. 500, a month and a house rent allowance of Rs. 110 a month, exchange compensation allowance being granted throughout.

(*c*) that an officer of the Indian Medical Service should be lent to the Durbar for a term of 2 years in the first instance his services being employed for a time at the Victoria Hospital and thereafter as Durbar Physician.

3. The Government of India sanction the 1st proposal. With regard to the 2nd, I am to say that the Government of India are not prepared to permit the officer appointed as Senior Surgeon and Sanitary Commissioner to receive a local allowance of more than Rs. 500—five hundred a month in addition to the grade pay admissible to Agency Surgeons of the 1st class under the new scale nor can they allow him to receive the house rent allowance proposed. Exchange compensation allowance however may be continued to be drawn as heretofore.

4. In these circumstances I am to suggest that the appointment should be offered to Lieut.-Colonel Smyth on these terms as now modified, and in this connection, I am to point out that if he elects to accept it, his emoluments will compare favourably with those drawn by Medical Officers holding administrative charges under the Foreign Department of the Government of India.

5. The Government of India consider it reasonable that the Durbar should stipulate as a condition of the appointment that the Senior Surgeon and Sanitary Commissioner should devote his whole time to administrative work, that he should have no direct or collateral charge of any medical

institution in the State, and that he should have no private practice except of a consultant nature.

6. I am to request that Lieut.-Colonel Smyth's decision in the matter may be communicated to this office at an early date.

7. With regard to the 3rd proposal, I am to say that the Government of India are unable to select the officer required from the Indian Medical Service or to fix the salary which he should receive from the Durbar without fuller information regarding the nature of the duties which he will be called upon to perform.

I am therefore to request that the necessary particulars may be supplied at a very early date and the Government of India will then endeavour to comply with the Durbar's request.

I have &c.,
(Signed) R. C. H. MOSS KING,
First Assistant Resident.

"Copy"

(Signed) M. N. Krishna Rao,
For Secretary

Reference No. 11.

Last year the receipts and issues of general papers in the office of the Surgeon General with the Government of Madras amounted to 22,564, while in my general office alone the number was 21,015. But in addition to these general papers I have about 1,500 State Life Assurance papers to check annually, while I have to administer also the offices of the Jail and Plague Departments in which the issues and receipts last year amounted to 4,022 and 6,078 respectively,

It has also to be borne in mind in forming an estimate of what the Salary of the head of the Medical, Sanitary and Jail Departments in this State should be, that while his work is quite as arduous as that of a P. M. O., in the British Service, his position gives him no claim to any increase of pension.

Reference No. 12.

No. G. 242. BANGALORE.
Dated 27th September 1905.

From
LT. COL. JOHN SMYTH, M. D., I. M. S.,
OFFG. SENIOR SURGEON AND SANITARY COMMISSIONER,
with the Government of H. H. the Maharaja of Mysore Bangalore.

To
B. K. VENKATAVARADIENGAR, ESQ.,
SECRETARY TO THE GOVERNMENT OF
H. H. the Maharaja of Mysore, General and Revenue Departments. Bangalore.

Sir,

With regard to your No. 2572/11-03 of 9th September 1905 giving cover to letter No. 4870 of 30th August 1905 from the First Assistant to the Hon'ble the Resident in Mysore to the Dewan of Mysore conveying the Government of India's offer of the Senior Surgeoncy Mysore, to me, on certain terms, I have the honor to say that although they are not the terms under which I accepted service in Mysore, I accept them pointing out the loss it will mean to me as compared with service on the terms offered me originally by the Durbar; it will mean a loss to me of Rs. 3,520 before I attain my 25th year of service, and of Rs. 110 a month thereafter, till I become a selected Lieutenant Colonel, an event which must be long postponed under any circumstances owing to the block in promotion caused by recent Army Orders. But while thus accepting the terms offered I feel confident that my action will not preclude the Government of India from reconsidering their order, if representations are made to them later which would establish my claim to the same pay and allowances as were drawn by my predecessor. With this object I request that the copy of my letter to the Dewan Saheb dated 5th May 1905, sent herewith, with one or two marginal notes thereon, may be forwarded with this letter or a copy of it to the Government of India. My claim for the same pay and allowance as my predecessors drew may be once more here summarised as follows:—

11

12

13

1st. In January 1897 I was asked by the Mysore Durbar to accept an appointment in Mysore.

2nd. On enquiring what my prospects would be if I accepted it I was told I would finally be Senior Surgeon to the Government of Mysore, whose pay was Rs. 1,700 shortly to be increased by Rs. 150, which actually took place a few months later, with Rs. 110 house rent and exchange compensation allowance.

3rd. That in offering me these inducements to leave my appoinment and cut myself adrift from my prospects in Madras, it was not suggested by the Durbar that when I finally became Senior Surgeon the above pay and allowances would be curtailed. The Durbar presumably believed such would not be the case, and its spokesman was the late Sir Seshadri Iyer with Col. Benson his adviser at every step of the proceedings.

4th. That it never occured to me for a moment to consider such a curtailment possible, or I would never have accepted service in Mysore: I would not have left my excellent prospects in Madras for such doubtful ones as would thus have been held out to me.

5th. That from a recent circular issued by the Government of India Foreign Department, I gather that what the Government of India object to is the house rent. Now I find from my office records that in the sanctioned budget for 1885-86 of the Government of Mysore, Rs. 110/- is provided as house rent to Dr. Houston the then Senior Surgeon.

Further in letter No. 2191/55 dated 7th November 188. from Mr. J. H. Nevill the Assistant Resident to the Government of Mysore in which sanction of the Government of India to the appointment of Surgeon Major T. J. McGann as Senior Surgeon in succession to Dr. Houston is conveyed; it is stated that Surgeon Major T. J. McGann shall receive a free house; but as the Government of Mysore had no free house of their own to place at the disposal of Surgeon Major T. J. McGann, they gave him house rent at the same rate as was drawn by his predecessor *viz.* Rs. 110/-in lieu thereof. The same house rent was continued to Col. P. H. Benson for similar reasons and this house rent has been entered in the Civil List of the Government of Mysore as part of the emoluments of the Senior Surgeon every year for about the last 20 years. Sir Seshadri Iyer was therefore certainly justified in the belief that he was within his rights in including house rent at Rs. 110 among the emoluments of the Senior Surgeon; and it appears to me that ordinary considerations of equity require that, as, under the above circumstances, house rent was offered to me and I accepted it as part of my contract I have a right to it.

6th. I need not add more. I know that His Highness present Government has never for one moment thought of giving me less pay than my predecessors received, but always intended to carry out the contract originally entered into by me with their predecessors to the very letter, and I now leave it to them to see that their intentions shall find realization.

I have &c.,

"Copy" (Signed) J. SMYTH, M. D.,

Lt.-Colonel I. M. S.

Reference No. 13.

Pol: No. 463/Enc. 1 dated 8/11th December 1905.

To

THE 1ST ASSISTANT TO THE HON'BLE THE
RESIDENT IN MYSORE.

SIR,

I am directed to acknowledge the receipt of your letter No. 4873, dated the 30th August 1905, about Medical arrangements in Mysore and to state in reply as follows:—

2. As desired in para 4 of your letter, the appointment of Senior Surgeon and Sanitary Commissioner was offered to Lieut.-Colonel Smyth, on the terms referred to in para 3 of the same letter. With no alternative before him, at the present moment, but that of reversion to Military employment, Lieut.-Colonel Smyth, feels that he is not in a position to refuse the offer. He has however again asked for a consideration of the circumstances of his service in Mysore and, in view of the possibility that in previous references the Durbar have not expressed themselves with sufficient fulness, they desire to now represent in some detail the facts of his case and their own attitude in the matter. The facts are as follows:—

3. In the year 1896 the Durbar offered Lieut.-Colonel (then Major) Smyth an appointment in Mysore giving him at the same time to understand that he would eventually succeed to the office of Senior Surgeon, which then carried a salary of Rs. 1,700 shortly to be increased by Rs. 150 with house rent of Rs. 110. Relying on this understanding Colonel Smyth, relinquished the important appointment of Surgeon in charge of the Presidency Second District and of the women and children's department in the Madras General Hospital and the prospects of higher posts coupled with a lucrative private practice and took up the appointment of Durbar Surgeon. His emoluments were fixed at Rs. 1,150, consolidated, including the pay of his rank Rs. 850, 300, the latter being the equivalent of the allowances he was actually drawing in Madras. He was also allowed a free house at Mysore. In 1899 the Government of India also permitted him to accept Rs. 120 house rent, with respect to residence at Bangalore, throughout the year, or such less amount as might be expended in the rent of a house at that Station.

4. In 1900 during the absence of the permanent incumbent on furlough, Major Smyth, officiated as Senior Surgeon and Sanitary Commissioner and, during that period with the sanction of the Government of India, drew an acting allowance of Rs. 350 equivalent to the moiety of the difference between his own pay and that of the Senior Surgeon. In November 1900 Major Smyth, was, with the approval of the Government of India, appointed to the charge of the Victoria Hospital, Bangalore, continuing to draw pay of Rs. 1,150, Rs. 120 house rent. In 1901 he again acted as Senior Surgeon and Sanitary Commissioner in addition to his own duties on the same terms as before. In that year Major Smyth attained the rank of Lieut.-Colonel and, with the sanction of the Government of India, his pay was raised to Rs. 1,350 with house rent not exceeding Rs. 120. In 1903 Lieut-Colonel Benson, the Senior Surgeon was selected to officiate for 8 months as Inspector General of Hospitals in Burma. Lieut.-Colonel Smyth again officiated for him and was allowed, with the sanction of the Government of India, (Notification of the Government of India, Foreign Department No. 1362 G. dated 28th August 1903) to draw an acting allowance of Rs. 370, or 20% of the pay of the

appointment. Including house rent his emoluments thus amounted to Rs. 1,840. In *May 1904 Lieut.-Colonel Benson reverted permanently to the British service and the office of the Senior Surgeon became vacant.

In their letter No. 6310 of 16--6—'04 the Durbar asked for the sanction of the Government of India to appoint Colonel Smyth Senior Surgeon and Sanitary Commissioner on the same terms as his predecessor *viz.* Rs. 1,050 British pay plus 800 local allowance plus Rs. 110 house rent. But meanwhile the case had become complicated by the introduction of the question of the entertainment of a second Medical officer of the British Service in Mysore. Further correspondence ensued with reference to this matter and it was not till the receipt of your letter No. 4873 of the 30th August 1905 that the Durbar learned the decision of the Government of India that Lieut.-Colonel Smyth could only be allowed to draw a local allowance of Rs. 500 a month in addition to the grade pay admissible to agency Surgeons of the first class. In the meantime Lieut.-Colonel Smyth had been conducting the duties of Senior Surgeon and Sanitary Commissioner in addition to those of Surgeon in charge of the Victoria Hospital, with no additional remuneration whatever. During the same period circumstances had occurred materially affecting Colonel Smyth's position and prospects. The term of Colonel Smyth's deputation expired in March 1904 and it became necessary for the Durbar to decide, whether they wished to retain his service for a further period and, for Colonel Smyth to determine, whether he wished to remain. Colonel Smyth on a consideration of his apparent prospects expressed his willingness to continue to serve in Mysore and, in your letter No. 120 of the 10th January 1904, the sanction of the Government of India to his retention for a further period of 5 years was communicated. This sanction was stated to be subject to a consideration of Lieut.-Colonel Smyth's emoluments should this become necessary in consequence of any changes in the remuneration of the officers of the Indian Medical Service which might be introduced. During the same period certain important surgical appointments under the Government of Madras, to any one of which Colonel Smyth on the ground of his past services and his recent experience at the head of a big hospital had a reasonable hope of succeeding, fell vacant and were filled up. And finally the position of the officers of all ranks in the Indian Medical Service was materially improved by orders issued by the Government of India.

5. From what has been stated it will be apparent that during the 9 years of Colonel Smyth's service in the State no question was ever raised by the Government of India with reference to the pay of the Senior Surgeon and Sanitary Commissioner including a free house or house rent, nor was any intimation given of an intention to reduce it. On several occasions Lieut.-Colonel Smyth officiated in the appointment and drew, with the specific sanction of the Government of India, an acting allowance calculated on the full pay of the appointment as well as the house rent. Not only was no suggestion made for a reduction of the Senior Surgeon's emoluments but the improvement of the prospects of Medical Officers in the British service raised reasonable expectations that an officer, whose services were lent to the Durbar, would receive some proportionate increment. Finally for some months, during which the Durbar had no reason whatever to anticipate any reduction in the pay and allowances of the appointment, Lieut.-Colonel Smyth had been permitted to combine the onerous duties of Senior Surgeon with the charge of the Victoria Hospital, even, it is to be feared, to the prejudice of his health.

N.B—Colonel Benson drew neither pay nor allowances from the Durbar after 9th April 1904. So the appointment was vacated by him from that date. *Vide* Memorial, para 12 clause 4.

6. The feeling of the Durbar is that they are being prevented from giving effect to the original understanding on both sides, which they had no cause to consider as unreasonable. Further, at no time during the last nine years has there been anything in the action of the Government of India to lead them to anticipate any objection to their giving it effect. In those years Lieut-Colonel Smyth has rendered most valuable services to the administration, to the sick and suffering of the Province, and to the family of His Highness the Maharaja and it would be the source of the deepest regret to the Durbar if, owing to any failure on their part to represent the case in the strongest manner, he were to continue his service in the State smarting under a sense of unmerited disappointment.

7. I am therefore to express the hope that the Hon'ble the Resident will see his way to support the earnest wish of the Durbar that Lieut.-Colonel Smyth may be allowed to draw the full emoluments of his predecessor, and that if the item of house rent be considered objectionable, the amount may be added to his salary under whatever head it may be considered appropriate. The Durbar desire to draw particular attention to the fact that, at no time during his service in the State, has the house rent drawn by Lieut.-Colonel Smyth been of the nature of an unauthorised easement. On each occasion, when his status has altered, the specific sanction of the Government of India has been obtained. They would also point out, with reference to the comparison made of the emoluments drawn by the Senior Surgeon in Mysore and by Medical Officers holding administrative charges under the Foreign Department of the Government of India, that the duties performed by an officer in a Native State are less clearly defined than those of an officer of a similar position under a British Administration. The former is required to, and actually does, render special service such as Colonel Smyth has on many occasions rendered to the family of His Highness the Maharaja, which in British Service would not be required of him, or would form the subject of special remuneration. The Durbar also are disposed to doubt whether the duties imposed on any officer of the class above referred to can be compared to those attached to the Senior Administrative Officer in a State of the size of Mysore, equipped as it is with a Medical establishment and institutions costing Rs. 6,36,000 in the year. In the case of future appointments to the post the officer concerned will have full knowledge of the views of the Government of India and will take up service knowing what he has to expect. In the present instance however, the orders reducing the emoluments of the post would actually operate with retrospective effect to the detriment of a valued officer.

8. By Lieut-Colonel Smyth's special request his letter of the 27th September, in which he states his case, is forwarded herewith. The Durbar would invite particular attention to that portion of the letter in which the circumstances are stated under which house rent has been drawn by the Senior Surgeon for the past 20 years, not as an unauthorised easement, but as an integral portion of the recognized emoluments of the post.

* * * *

* * * *

14

15

I have &c.,

(Signed) B. K. VENKATAVARADIENGAR,

Secretary.

Reference No. 14.

Copy of letter No. 3467 dated the 15th June 1906 from the First Assistant to the Resident in Mysore addressed to the Dewan of Mysore.

I am directed to refer to the correspondence ending with Mr. Venkata-varadiengar's letter Political No. 463 dated the 8th December 1905 on the subject of the appointment and emoluments of Lieut. Colonel J. Smyth, I.M.S., as Senior Surgeon and Sanitary Commissioner with the Government of Mysore.

2. I am now to state that as Lieutenant Colonel Smyth has accepted the post in question, he has been formally appointed thereto. In forwarding a copy of a Notification issued by the Government of India in the Foreign Department in the matter, I am to request that the attention of Lieutenant Col. Smyth may be drawn to the instructions contained in articles 770 and 778 of the Civil Service Regulations regarding the information to be furnished to account officers and that it may be reported to this office that these instructions have been complied with.

3. As regards the question of Lieut. Colonel Smyth's emoluments, I am to say that the Government of India regret that they are unable to modify the orders conveyed in my letter No. 4873 dated the 30th August 1905.

4. A separate communication will be made to the Durbar on the subject of the appointment of a second officer of the Indian Medical Service in Mysore.

"Copy"

Reference No. 15.

Proceedings of the Government of Mysore,— April 1904.

Dewan's Note.

'The Resident has informed me that the vacancy is a permanent one, and that permanent arrangements should therefore be made.

Reference No. 16.

It will not be without interest to contrast the conditions under which Colonel Benson, my predecessor, took over charge from his predecessor Colonel McGann, and those under which I have assumed the same office.

In the case of Colonel Benson, he was simply gazetted, not a word having been said about his salary except that it was shortly to be increased by Rs. 150 per mensem.

In my case, although the work is at the least 15% more arduous in all respects owing to natural expansion, than it was ten years ago when Colonel Benson took charge, I have had to work nearly a year and a half as Senior Surgeon without drawing any extra pay for doing so, and be the subject of great mental torture, due to the delay of the Government of India in Gazetting me to the appointment, and to their final proposal to me that I should accept the appointment at an enormous loss as compared to the conditions under which it was held by my predecessor: a torture well calculated to paralyse my energies for the efficient service of the State.

Even if the full pay of the appointment had been finally granted, the result could only be regarded in the light of a fine equivalent in amount to a, least the interest on the pay withheld had it been invested in Government paper, a fine which I venture to submit I did not deserve after all these years of whole hearted service to the people of Mysore.

Reference No. 17.

To help me to a sober opinion of the nature of the proposals of the Government of India, I laid the whole matter before some of the most judicious minds I could find. I was so stunned by the procedure of the Government of India that I was afraid to trust my own judgement. I hereunder give the opinions received. They include those of one Ex-Governor of Madras, of two Ex-Residents in Mysore, of one Chief Court Judge, of one Ex-Secretary of State and of one Deputy Commissioner.

1. "The proposals of the Government of India are "impossible".—You cannot accept them, but first say you cannot do so without a full discussion."

2. "The proposals of the Government of India are not only unfair, but cruelly so, and not like what Englishmen would do. I speak from a full and intimate knowledge of the whole matter from the beginning."

3. "I never heard of such a proposal.....there is no use, I fear, in addressing the Government of India, memorialising the Secretary of State is your clear course."

4. "I sympathise with you most strongly. It is most anomalous, especially after all you have done for the Maharaja and his people, that you should be asked to accept less pay than your predecessor."

— P.T.O —

16

17

5. "The proposals of the Government of India, whatever may be said about their fairness are, in my opinion, simply unwise."

6. "I think you have a perfectly just case to go to the Secretary of State with. (I assume that "India" has passed orders so that your memorial should go through him *i.e.*, through India) I should not think there was any use in your asking India to reconsider its order,—though *the Durbar* might well do so.

It is only morality that bargains should be "implemented" in their spirit as well as in their letter; and it is but common justice that when service is taken up under understood and accepted conditions, any change of views on the part of an authority claiming the right to interfere should affect only future incumbents of the particular office."

To

The Private Secretary

Sir,

I am directed to forward herewith a memorial from Lt-Colonel J. Smyth M.D., I.M.S., Senior Surgeon & Commr with the Mysore Force, to the Right Honorable the Secretary of State for India, appealing against the orders of the Govt of India in regard to his pay &c; and to request that the memorial

May kindly be transmitted through the proper channel

Thanks Ele

2.9.06

Ele 4 to Govt

2/9/06

Encl
One printed memorial
5J 13/9/06

BC: No. 219.
Med 81-06
Encl. 2

To

The First Assistant to the Hon'ble
the Resident in Mysore.

Sir,

I am directed to forward herewith a memorial from Lt-Col.J. Smyth, M.D., I.M.S., Senior Surgeon and Sanitary Commissioner with the Mysore Government, to the Right Honorable the Secretary of State for India, appealing against the orders of the Government of India in regard to his pay &c; and to request that the memorial may kindly be transmitted through the proper channel.

I have &c.,

Secretary to Government.